UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse at Foley Square W Centre Street, New York, NY 1007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

S	Caption luse short title l
Docket Number(s): <u>Ob-Cv-38 (vM) / O"1-32 bb-Qr</u>	- College of the state of the s
Motion for: Ancyance of Dismissal	
Set forth below precise, complete statement of relief sought:	
charged to my facility account	
MOVING PARTY: Ecto Mesticy Divon Plaintiff Defendant Appellant/Petitioner D Appellee/Respondent	OPPOSING PARTY: District Affords of Bronx County
name of attorney, with firm, address, phone number and e-mail) Earn Mecheu Dakon 2500A5365	OPPOSING ATTORNEY [Name]: <u>A. Bronx Courty</u> [name of attorney, with firm, address, phone number and e-mail]
Coksilary/Philipper Profesional Parish	
<u>- Coksackie korrectional facility</u> P.O. Kox. God	. — Kronk, Mew York 10451
Coksackie, New York 12051-0491	
Court-Judge/Agency appealed from: District Court, South	en Dittritt al Mail Inek Hannesha I. Jan Masas-
Please check appropriate boxes: Has consent of opposing counsel: A. been sought? B. been obtained? C Yes No	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL: Has request for relief been made below? Yes No Has this relief been previously sought in this Court?
Has consent of opposing counsel: A. been sought? B. been obtained? G Yes Ves No Is oral argument requested?	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL: Has request for relief been made below? Yes No Has this relief been previously sought in this Court? Yes No
Has consent of opposing counsel: A. been sought? B. been obtained? G Yes No	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL: Has request for relief been made below?
Has consent of opposing counsel: A. been sought? B. been obtained? Yes No Is oral argument requested? Yes No Yes	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL: Has request for relief been made below? Has this relief been previously sought in this Court? Requested return date and explanation of emergency: Therefore, In appeal may be unnecessary or in atternative held in abeyance if tiling fee has commenced to my facility account. Has service been effected? [Attach proof of service]
Has consent of opposing counsel: A. been sought? B. been obtained? Yes No Is oral argument requested? Yes No Yes Yes No Yes No	FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL: Has request for relief been made below? Has this relief been previously sought in this Court? Requested return date and explanation of emergency: Therefore, an appeal may be unnecessary or in alternative held in abeyance if tiling fee has commenced to my facility account. Has service been effected? [Attach proof of service]

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT Telephone: 212-857-8500 40 Centre Street, New York, NY 10007 Thurgood Marshall U.S. Courthouse at Foley Square MOTION INFORMATION STATEMENT Caption [use short title] Docket Number(s): <u>Ob-Cv-38 (vm) / OI-32 lab-ar</u> Motion for: Anguarce or Dismissal Set forth below precise, complete statement of relief sought: RECOND CLES In hold Appeal in Abeyance or dismiss McGinnis, Respondent. appeal only if Ading Fee has not been charged to my facility account? OPPOSING PARTY: DISTRICT Afforded of MOVING PARTY: Echo Wesheu Divon O Plaintiff Defendant Bronx County W Appellant/Petitioner D Appellee/Respondent Echo Wester Dikon 7046365 OPPOSING ATTORNEY [Name]: D. A. Bronx Courty MOVING ATTORNEY: [name of attorney, with firm, address, phone number and e-mail] [name of attorney, with firm, address, phone number and e-mail] Echo Westeu Dixon #00A6365 Appellant/Peritioner Facilitu Consactie Correctional Bronk, New York Coxsackie New York 12051-0999 Court-Judge/Agency appealed from: District Court, Southern District of New York, Hororable Victor Marrero Please check appropriate byres: MANDATE CONSISTING OF "PFPE MANNEAU DO NOTIONS FOR STAYS AND ITEMS BELOW, HAS BEEN RECEIVED EMERGENCY MOTIONS, MOTIONS FOR STAYS AND Has consent of opposing counsely PINION () STATEMENT OF CUMPNIONS PENDING APPEAL: Has request for relief been made below? O No e No A. been sought? ORDER D Yes RECEIVED BYYes W NOATE Has this relief been previously sought B. been obtained? in this Court? Is oral argument requested? No (requests for oral argument will not necessarily be granted) Requested return date and explanation of emergency: Indictment of Petitioner/Appellants bears Has argument date of appealogen set? No an ensienis/fictifious name. Merchire, an If yes, enter date Appeal may be unnecessary or in alternative Reld in abegance if thing fee has commenced OCT 16 2007 Signature of Moving Atthron to mu facility account.

TO dismiss is construed as a motion to withdraw and IT IS HEREBY ORDERED THAT the motion is GRANTED SECRET.

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FOR THE COURT:

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SUP

Has service been effected?

[Attach proof of service]

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